THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION Nos.6321, 6322, 10132, 11077, 11121, 11919, 18447 and 20068 of 2007

Dated: 04.10.2007

W.P.No.6321 of 2007

Between:

Vanaparthy Annapurna and others.

.. Petitioners

And

State of Andhra Pradesh rep. by
Secretary, Civil Supplies Department,
Secretariat, Hyderabad
and others.

.. Respondents

W.P.No.6322 of 2007

Between:

Tudumu Jayasheela and another.

.. Petitioners

And

State of Andhra Pradesh rep. by
Secretary, Civil Supplies Department,
Secretariat, Hyderabad
and others.

.. Respondents

W.P.No.10132 of 2007

Between:

Gutthi Rajaiah

.. Petitioner

And

The District Collector, Nellore

and others. .. Respondents

W.P.No.11077 of 2007

Between:

P.Mohanamba

.. Petitioner

And

The Commissioner of Civil Supplies,
Andhra Pradesh, Somajiguda, Hyderabad
and others.

.. Respondents

W.P.No.11121 of 2007

Between:

Ande Koteswara Rao

.. Petitioner

And

The District Collector, Nellore
and others.

.. Respondents

W.P.No.11919 of 2007

Between:

K.Sujatha

.. Petitioner

And

The Revenue Divisional Officer,
Utnoor Division,
Utnoor, Adilabad District
and others.

.. Respondents

W.P.No.18447 of 2007

Between:
R.Sekhar.

.. Petitioner

And

District Collector (Civil Supplies), Chittoor,
Chittoor District
and others.

.. Respondents

W.P.No.20068 of 2007

Between:

Seemala Police.

.. Petitioner

And

Director of Civil Supplies, Andhra Pradesh,
Hyderabad
and others.

.. Respondents

THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION Nos.6321, 6322, 10132, 11077, 11121, 11919, 18447 and 20068 of 2007

COMMON ORDER:

As the question involved in these writ petitions is one and the same, they are heard and disposed of by this common order.

2. Heard the counsel.

3. These writ petitions are filed by the respective writ petitioners being aggrieved of the bifurcation of the existing shops and creation of new Fair Price Shops

4. It is stated that in certain matters, there are interim orders and in certain matters, there are no interim orders. It is also stated that in matters where interim orders are granted, vacate applications were filed.

5. The counsel representing the writ petitioners had placed strong reliance on Government Memo No.148/CS.I/99-1, dated 22.01.1998, and the same reads as hereunder:-

“In the reference 2nd cited, the following guideless in the matter of opening new fair price shop were issued.

i) Each and every village should have a separate Fair Price Shop.

ii) Fair Price Shops should be within a distance of one KM from the residences of card-holders.

iii) Whether there is need for a separate shop to cover Harijan Basti in the village.

iv) In tribal areas, Fair Price Shops may be created even for 1,000 population.

v) In non-tribal areas, Fair Price Shops may be opened for every 1650 population.

vi) The shops must be economically viable.

It is observed that in spite of specific guideline that the shops must be economically viable, recently, in some district, new Fair Price Shops are being opened even for a few cards rendering both the new Shop and also the bifurcated shop, economically unviable. To obviate this unhealthy trend, the following additional guidelines are issued.

i) In rural areas, no new Fair Price Shop should be sanctioned if the number of cards to be attached to the Fair Price Shop is less than 350.

ii) In urban areas, no new Fair Price Shop shall be sanctioned if the number of cards to be attached to the Fair Price Shop is less than 500.

iii) In city areas, no new Fair Price Shop shall be sanctioned if the number of cards to be attached to the shop is less than 800.

If, for special reasons like dissidence or faction in a village or certain social tensions between one community and another due to caste or religious conflicts, the Collectors may if they are fully satisfied for splitting the shops for the benefit of the community, may do so giving reasons for such sanction of new shops.

Similarly, where the total number of cards in a village is less than 350, a shop may be continued/sanctioned. Attaching of cards of one village to a shop in another village should be avoided.

The above guidelines shall apply even to the existing fair price shops. The District Collectors and Chief Rationing

Officer, Hyderabad are requested to review the postion and re-organize the fair price shops wherever necessary."

6. The learned Government Pleader for Civil Supplies placed strong reliance on G.O.Ms.No.25, dated 18.03.1998, and would maintain that any person aggrieved of the bifurcation of the existing shops or creation of new Fair Price shops can maintain an appeal before the Director of Civil Supplies and a further revision would lie to the Government.

7. It is also brought to the notice of the Court that the writ petitioners straight away approached this Court without exhausting the alternative remedies available to the respective writ petitioners. Certain submissions were made relating to different circulars governing the field and how these bifurcations and the creation of new Fair Price shops had been made without following such guidelines. Several of the factual controversies, which had been raised before this Court, need not be gone into in elaboration by this Court for the reason that it is not in serious dispute between the parties that the respective writ petitioners are having an effective alternative remedy of appeal before the Director of Civil Supplies.

8. In the light of the above facts and circumstances, these writ petitions are disposed of permitting the writ petitioners to prefer appeal before the Director of Civil Supplies within a period of two weeks from the date of receipt of a copy of this order, and till then, status quo as on today to be maintained in such writ petitions where interim orders had been granted.

9. Accordingly, these writ petitions are disposed of. No order as to costs.

(P.S.NARAYANA,J)

Dt.04.10.2007
v v